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Please Always Reply to White Plains Office

March 29, 2018

Via ECF

The Honorable Steven I. Locke
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza, Courtroom 820
Central Islip, NY 11722

Re: *Vincent Mosca v. City of New York, et al.*,
Case No. 17 Civ. 4327 (SJF)(SIL)
Our File No.: 12-3211

Dear Judge Locke:

We are the attorneys for the defendant, Frank Colavito, in the above matter.

This matter arises from an incident that occurred at a bar in Massapequa, New York, on April 29, 2016. Plaintiff alleges that our client, an NYPD officer at the time, acted in concert with Ian M. Walsh to “falsely arrest, imprison, restrain, detain and assault plaintiff” in violation of 42 U.S.C. § 1983 and § 1988, but the complaint did not name Mr. Walsh as a party. A state court action commenced by plaintiff against Mr. Walsh and our client was administratively dismissed prior to Mr. Walsh’s appearance.

Mr. Walsh should be deemed a necessary party, or leave should be granted to commence a third-party action against him. Mr. Walsh is the only individual who actually made physical contact with the plaintiff during the incident. Thus, Mr. Walsh possesses material knowledge about the facts and circumstances of the incident, and his conduct is ultimately the basis for this entire action.

Based upon the foregoing, we respectfully submit that supplemental jurisdiction exists pursuant to 28 U.S.C. 1367(a).

State Farm Insurance Companies

Claim No.: 32-1556-0L1


Our File No.: 12-3211

March 29, 2018

Our proposed Second Third-Party Summons and Complaint are annexed.

Thank you for your time and consideration of this matter.

Respectfully,


Henry L. Liao (HL6071)

cc: All parties (Via ECF)